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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,774	12/18/2001	Rudolf Ritter	217092US	1457
22850 7590 11/23/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VU, NGOC K	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 11/23/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/926,774

Applicant(s)

RITTER ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/28/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 9/28/2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarampi (US 4,931,865 A) in view of Miyazaki et al. (US 5,703,637 A) and further in view of Flickner et al. (US 6,577,329 B1).

Regarding claim 1, Scarampi teaches a method for capturing and processing viewing data, which viewing data relate to the viewing behavior of users when viewing data and which viewing data are transmitted via telecommunications network to a central unit (central computer), where they are further processed (col. 3, line 65 to col. 4, line 3; abstract), wherein the viewing data are transmitted to the central unit (col. 4, lines 19-24 and 34-41); the central unit determines the actual eye positions and eye characteristics of the user based on the

viewing data, e.g., determining the alignment of the eyes and comparing what information with predetermined standards indicating whether the viewer is actually viewing the television or looking at other objects (see col. 5, lines 55-66; col. 6, lines 61-68; col. 4, lines 19-24 and 34-41).

Scarampi does not explicitly teach projecting the video data directly on the retina of the user by means of a virtual retinal display device, determining data about lines of sight of the user relative to the viewed video data during projecting of the video data by means of an eye position detection module of the display device. However, Miyazaki teaches projecting video data directly on the retina of the user by means of a virtual retina display device, and determining the movement of the pupils or the positions of the pupils of user relative to the viewed video data during projecting of the video data by means of an eye position detection module of the display device (col. 11, lines 5-12 and 16-32; col. 5, lines 35-39 and figures 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Scarampi by projecting video data directly on the retina of the user by means of a virtual retina display device, and determining movement of the pupils or the positions of the pupils of user relative to the viewed video data during projecting of the video data by means of an eye position detection module of the display device as taught by Miyazaki in order to provide a direct display device so that retina is directly raster scanned by the beam of video signal through pupils of both eyes and tracking the movement of the pupils at the time of raster scanning, thereby permitting the video display of high resolution without deteriorating picture quality of video signal.

Scarampi does not explicitly teach determining picture regions of a single picture, which is part of reproduced video signal data that have been viewed by the user. Flickner teaches monitoring user's eye orientation of a user as the user views a screen having items of video

signals displayed thereon. Particularly, the system detects that the user is paying attention to a particular item on the screen so that the system learns the user's particular's interests and further provides additional relevant information of the particular item being viewed (see 3, lines 40-53; col. 4, lines 58-62; col. 5, lines 57-67; col. 10, lines 3-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Scarampi by determining particular items of video signal that have been viewed by the user as taught by Flickner in order to provide additional relevant information regarding such interests to the user.

Regarding claim 2, Scarampi teaches determining the alignment of the eyes and comparing what information with predetermined standards indicating whether the viewer is actually viewing the television or looking at other objects (see col. 6, lines 61-65). Miyazaki further teaches comparing the stored image signal of the pupils with the current image signal of the pupils, and raster scanning the retinas by the beams through each the pupils and the crystalline lenses of both eye balls of the user as a result of comparison (col. 10, lines 9-19; col. 11, lines 5-12).

Regarding claim 4, Scarampi teaches that wherein the viewing data include user identification data (col. 5, lines 24-31 and 46-48).

Regarding claim 5, Scarampi teaches that wherein the viewing data include video identification data (col. 4, lines 19-24).

Regarding claim 6, Scarampi teaches wherein the viewing data include time indication (col. 5, lines 10-14).

Regarding claims 8, device claim 8 is analyzed with respect to method claim 1. See rejection of claim 1 above.

Claims 10, 11, 12 and 13 are rejected for the same reasons discussed supra with respect to representative claims 2, 4, 5 and 6, respectively.

5. Claims 3, 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarampi (US 4,931,865 A) in view of Miyazaki et al. (US 5,703,637 A) and further in view of Flickner et al. (US 6,577,329 B1) and Kiefl (US 5,382,970 A).

Regarding claim 3, Scarampi does not explicitly teach that viewing data are stored in the central unit. However, Kiefl discloses that viewing data are stored in central unit 30 (see col. 6, lines 52-56; col. 7, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Scarampi by storing viewing data in central unit as taught by Kiefl in order to allow the central unit to easily update and keep track viewing records of a plurality of users.

Regarding claim 7, Scarampi teaches that the communications line is connected to a phone line (see col. 3, lines 65-67). Scarampi fails to teach that the telecommunication network is a mobile radio network. However, Kiefl discloses that the communications network is cellular phone network (see col. 4, lines 19-30; col. 6, line 56 to col. 1, and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communications network of Scarampi by using mobile radio network as taught by Kiefl in order to eliminate installation of wires between the devices.

Claim 14 is rejected for the same reasons discussed supra with respect to representative claim 7.

Allowable Subject Matter

6. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc Vu/
NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

November 16, 2007